

## Montana Board of Outfitters- Full Board Meeting Minutes

### CONFERENCE CALL

301 S. Park Avenue, Helena MT 4th Floor Large Conference Room

December 10, 2021

10:00 A.M. to 1:45 P.M.

**All board meetings will be held via conference call. No outside participants and stakeholders will be allowed access into the building. Please attend by phone.**

**1. Call to Order – Establish Quorum – Introduction of Board & Staff Members Present (00:00:01)**

Mr. John Way, Presiding Officer called the meeting to order at 10:08 a.m.

**Board Members Present:**

Mr. John Way, Presiding Officer, Industry Member

Mr. Matt Greemore, Vice Chair, Industry Member

Mr. Rob Arnaud, Industry Member

Ms. Chris Gentry, Public Member

Mr. Wagner Harmon, Industry Member

**Staff Present:**

Mr. Steve Gallus, Executive Officer

Mr. Dylan Gallagher, Board Counsel

Ms. Barb McAlmond, Administrative Specialist

Mr. Todd Younkin, Division Administrator

**Others Present:**

Mr. Kevin Hawkins

Mr. Mike Bias

Mr. Scott Vollmer

Ms. Abigail Lawrence

**2. Approval and Tentative Modification of Agenda Order (00:01:21)**

- i. 21 12 10 FB Agenda

**Motion: (00:01:30)** Mr. Matt Greemore moved to approve the agenda as presented.

Mr. John Way seconded the motion. The motion carried.

**3. Tentative Modification of Minutes (00:02:40)**

- i. 21 10 06 FB, Full Board Meeting

**4. Division Update- Todd Younkin Division Administrator (01:46:51)**

**5. Public Opportunity to Comment (00:03:37)**

(Presiding Officer Statement) "Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting."

**6. Board Action (00:05:11)**

**a. Elections of Board Officers (00:05:57)**

**i. Nominations and election of board Chairperson (00:6:09)**

**Motion: (00:06:17)** Mr. Matt Greemore moved to nominate Mr. John Way as Chairperson. Mr. Wagner Harmon seconded the motion. There were no additional nominations. Mr. John Way was elected chairperson by accension.

**ii. Nominations and election of board Vice-Chairperson (00:07:21)**

**Motion: (00:07:29)** Mr. Rob Arnaud moved to nominate Mr. Harmon Wagner as vicechair. Ms. Chris Gentry seconded the motion. There were not additional nominations. Mr. Wagner Harmon was elected vice-chairperson by accension.

**b. Non-Routine Applications (00:09:26)**

**i. OUT-GUD-APP-45909 - LEISHMAN, JASON (00:10:03)**

**Motion: (00:16:45)** Mr. Wagner Harmon moved to approve Mr. Jason Leishman's application for licensure. Ms. Chris Gentry seconded the motion. The motion carried.

**ii. OUT-GUD-APP-41728 - ESTABROOK, BRENDAN (00:17:40)**

**Motion: (00:22:12)** Mr. John Way moved to approve Mr. Brendan Estabrook's application for a 1- year probationary licensure based on MCA 37- 1- 316 (1) UNPROFESSIONAL CONDUCT, with the conditions of receiving a one- year report from Mr. Estabrook and his sponsoring outfitter on his activities and his compliance with the rules and statues. Mr. Wagner Harmon seconded the motion. The motion carried.

**c. Applications Requiring Board Review (00:27:13)**

**i. OUT-OUT-APP-44729 - HAWKINS, KEVIN (00:27:28)**

**Motion: (00:37:01)** Mr. Rob Arnaud moved to approve Mr. Kevin Hawkin's application for licensure contingent on him taking and passing the outfitter examination. Mr. John Way seconded the motion. The motion carried.

**d. Rulemaking (00:33:05)**

**i. Discussion possible motion and referral to RAP related to 24-171-401 FEES**

**(00:38:59)** Mr. John Way moved to instruct staff to allow staff to reorganize the fee template for more clarification for applicants. Mr. Matt Greemore seconded the motion. The motion carried.

**Small Business Impact Statement (00:49:45)** Mr. John Way moved that the change to 24.171-401 FEES does not directly or significantly impact Montana small businesses. Mr. Wagner Harmon seconded the motion. The motion carried.

- ii. Discussion possible motion and referral to RAP related to 24.171.405 Booking Agents and Advertising **(00:52:38)**

**Motion: (00:56:19)** Mr. Wagner Harmon moved to table this to gather more information and place on the March 2022 full board meeting for discussion and possible board action. Mr. John Way seconded the motion. The motion carried.

- iii. Discussion possible motion and referral to RAP related to 24.171.413 Watercraft Identification **(00:59:13)**

**Motion: (01:25:13)** Mr. John Way moved to direct staff to work with the associations and develop recommendation and language to change 24.171.413 to put the onus of watercraft identification on the outfitter and guides to create stickers for each boat. This will be put on the March 2022 full board meeting for discussion and possible board action. Mr. Matt Greemore seconded the motion. The motion carried.

- iv. Discussion possible motion and referral to RAP related to 24.171.601 Guide Qualifications **(01:27:07)**

**Motion: (01:36:46)** Mr. Rob Arnaud moved to amend 24.171.601 (a) to strike “or professional guide” and instruct staff to develop a checklist of guide school approved courses. Ms. Chris Gentry seconded the motion.

**Small Business Impact Statement (01:45:35)** Mr. John Way moved that the amendment to 24.171.601 does not have a direct and significant impact on Montana small business. Mr. Rob Arnaud seconded the motion. The motion carried.

- v. Discussion possible motion and referral to RAP related to 24.171.602 Guide License **(01:57:44)**

**Motion: (02:22:20)** Mr. Rob Arnaud moved to amend 24.171.602 (1) Guide License to strike the word “signature” and allow staff to develop language that is pertinent to the goals of the rule and in 24.171.602 (2) to strike “hands on” from this rule. Mr. Wagner Harmon seconded the motion. The motion carried.

- vi. Discussion possible motion and referral to RAP related to 24.171.701 NCHU Categories, Transfers, and Records **(02:35:19)**

**Motion: (02:35:35)** Mr. Rob Arnaud moved to adopt the language proposed by MOGA and endorsed by FOAM. Mr. Wagner Harmon seconded the motion. The motion carried.

**Small Business Impact Statement: (03:37:14)** Mr. John Way moved the proposed changes to 24.171.701 NCHU does not directly or significantly impact Montana small businesses. Mr. Wagner Harmon seconded the motion. The motion carried.

- vii. Discussion possible motion and referral to RAP related to 24.171.520 OPERATION PLANS AND AMENDMENTS and 24.171.505 FISHING OUTFITTER OPERATIONS PLAN **(02:40:11)**  
**Motion: (02:45:07)** Mr Rob Arnaud moved to approve the language provided by MOGA and endorsed by FOAM. Mr. Wagner Harmon seconded the motion. The motion carried.  
**Motion: (02:58:50)** Mr. John Way moved the proposed changes to 24.171.520 OPERATION PLANS & AMENDMENTS and 24.171.505 FISHING OUTFITTER OPERATIONS PLAN will not directly or significantly impact Montana small businesses. Mr. Rob Arnaud seconded the motion. The motion carried.

**7. Executive Officer Report (03:00:11))**

- a. Budget Report **(03:00:33)**
- b. License Report **(03:01:18)**
- c. Outfitter Assistant Report **(03:06:42)**

**8. Legislative Report (03:13:43)**

- a. Possible discussion and motion related to board requesting legislation allowing non watercraft fishing outfitter endorsement.

**9. Adjourn (03:21:48)** Mr. John Way moved to adjourn the meeting at 1:45 p.m.

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information. New agenda items may be added up to "three business days" before the meeting. For the most accurate agenda, please consult the web site at [www.outfitter.mt.gov](http://www.outfitter.mt.gov). The board may reorder the agenda at the beginning of the meeting